

REGIONAL DISTRICT OF NANAIMO
SPECIAL ELECTORAL AREA SERVICES COMMITTEE
AGENDA

Tuesday, August 22, 2017

5:30 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. DELEGATIONS
4. CORRESPONDENCE
5. PLANNING
 - 5.1 Development Permit with Variance
 - 5.1.1 Development Permit with Variance Application No. PL2017-069 - 1682 Cedar Road, Electoral Area 'A' 3

Delegations wishing to speak to Development Permit with Variance Application No. PL2017-069 - 1682 Cedar Road, Electoral Area 'A'.

 1. That the Board approve Development Permit with Variance No. PL2017-069 to permit the construction of an automotive repair shop subject to the terms and conditions outlined in Attachments 2 to 6.
 2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-069.
 - 5.1.2 Development Permit with Variance Application No. PL2017-073 - 126 Kinkade Road, Electoral Area 'G' 19

Delegations wishing to speak to Development Permit with Variance Application No. PL2017-073 - 126 Kinkade Road, Electoral Area 'G'.

 1. That the Board approve Development Permit with Variance No. PL2017-073 to permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 5.
 2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-073.

5.2 Development Variance Permit

- 5.2.1 Development Variance Permit Application No. PL2017-096 - 1856 Cedar Road, Electoral Area 'A'** 30

Delegations wishing to speak to Development Variance Permit Application No. PL2017-096 - 1856 Cedar Road, Electoral Area 'A'

1. That the Board approve Development Variance Permit No. PL2017-096 to reduce the minimum required front and other lot line setback requirements to recognize an existing kiosk structure, subject to the conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-069.

5.3 Other

- 5.3.1 Development Permit Application No. PL2017-078 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2016-130 - 300 Dan's Road and Myles Lake Road, Electoral Area 'C'** 40

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed lot A in relation to Subdivision Application No. PL2016-130.
2. That the Board approve Development Permit No. PL2017-078 to permit a lot line adjustment subdivision, subject to the terms and conditions outlined in Attachments 2 and 3.

6. ADJOURNMENT

adjacent to a commercial parcel to the southeast and residential parcels to the northwest. There is an unconstructed Ministry of Transportation and Infrastructure (MOTI) road right-of-way located to the northeast of the subject property. (see Attachment 1 — Subject Property Map). The subject property generally slopes down away from Cedar Road towards the undeveloped road right-of-way. Access to the subject property is proposed off of Cedar Road and a secondary access is proposed off of the laneway to the rear, which will be improved as part of this development.

The subject property, which is currently vacant and is serviced by North Cedar Improvement District water and RDN community sewer, was recently consolidated as a condition of rezoning to create one larger parcel for the purpose of facilitating the proposed development.

The Cedar Main Street Development Permit Area (CMS DPA) applies to the proposed development per the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011”.

Proposed Development and Variance

This is the first development permit application within the CMS DPA since the adoption of the Cedar Main Street Village Plan (CMS Plan) in September 2013. The proposed development includes the construction of an automotive repair shop, landscaping, and other site improvements along with improvements within the Cedar Road right-of-way including the installation of an asphalt curb, a gravel walkway, and three parallel on-street parking stalls as approved by MOTI.

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from Front and Other lot lines from 4.5 m to 0.0 m to accommodate on-site parking located adjacent to Cedar Road.
- **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from the Front and Other lot lines from 4.5 m to 2.8 m to permit the construction of a retaining wall greater than 1.0 m in height along a portion of the northeast property line.
- **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from the Front and Other lot lines from 4.5 m to 0.45 m to permit the construction of a retaining wall greater than 1.0 m in height adjacent to the laneway.
- **Schedule ‘3B’ – Parking Stall and Aisle Dimensions** to reduce the minimum parking stall width from 2.6 m to 2.5 m and the minimum parking stall length from 5.2 m to 4.6 m to permit the construction of three reduced sized parking stalls.

Land Use Implications

In summary, the proposed development is consistent with the applicable CMS DPA guidelines as follows:

Building Massing, Green Building, Façade Design, and Architectural Detailing

- The applicant has submitted building elevations prepared by Greenplan dated May 10, 2017 which demonstrates that the proposed building maintains a residential scale consistent with a rural context and includes a varied building face and artistic design features which add to the interest of the streetscape (see Attachment 4).
- The proposed building uses cedar posts and siding and includes stone veneer around the base of the building.
- Roof lines are oriented south to provide for clear-storey windows for solar gain and natural lighting.

Site Planning and Pedestrian Design

- The applicant has submitted a Site and Landscaping Plan prepared by Greenplan dated July 19, 2017 which includes a reduced setback from Cedar Road and a building that is oriented towards Cedar Road to allow for greater pedestrian interaction.
- Outdoor seating areas are proposed to create social gathering places for customers of the establishment and a covered porch fronting Cedar Road is provided adjacent to the building entrance.
- Bicycle parking and a 1.5 m wide compacted gravel pathway are proposed in support of active transportation.

Groundwater Protection and Landscape Design

- The applicant has provided a Rainwater Management Plan prepared by J.E. Anderson & Associates dated January 23, 2017 that proposes to collect rainwater and direct it towards an oil water separator located on the northeast of the subject property. The Plan also includes recommendations for oil/water separator maintenance. As per the DPA guidelines, staff recommend that the applicant be required to register the oil/water separator maintenance schedule included in the Rainwater Management Plan as a Section 219 covenant prior to the issuance of this permit (see Attachment 2 – Terms and Conditions of Permit).
- The applicant has also provided a landscaping plan prepared by Greenplan dated July 19, 2017 and cost estimate and security deposit in the amount of \$5,450.00 which proposes landscaping to promote compatibility between uses and improves the aesthetic appeal of the proposed development (see Attachment 6).
- The proposal includes a boulevard planted with grass within the Cedar Road right-of-way.

Signage, Lighting, Parking and Loading

- Two rough-finished painted wood fascia signs illuminated by soffit lighting from above are proposed to be located on the front of the building facing Cedar Road (see Attachment 5). The combined sign surface area is approximately 3.0 m².

- Space for three on-street parking spaces have been reviewed and accepted by MOTI. These parking spaces are not required to satisfy the minimum parking requirements of the proposed development and are provided as additional on-street parking as contemplated in the CMS DPA (see Attachment 3).
- Most of the parking spaces are provided to the rear of the building and tow truck movement patterns have been illustrated on the site plan to ensure adequate circulation.

A variance is being requested to reduce the minimum setback requirement adjacent to Cedar Road from 4.5 to 0.0 m to permit one disability parking space and one reduced size parking space. It should be noted that the proposed disability space is not required by Bylaw 500 as fewer than 20 off-street parking spaces are needed to service the proposed development. In addition, the proposed parking variance would allow more efficient use of the subject property by providing a drop off point close to Cedar Road for customers accessing the building.

Two variances relating to retaining walls are being requested. The first is in relation to a portion of a proposed retaining wall over 1.0 m in height which would be constructed along a portion of the southeast property line. There is an existing retaining wall on the subject property as well as the adjacent property to the east. The applicant is proposing to remove the portion of this retaining wall located on the subject property and to construct a retaining wall perpendicular to Cedar Road to tie in with the west edge of the existing retaining wall on the adjacent property to the east. The proposed retaining wall would provide a level area for the outdoor seating and social gathering place.

The second variance requested in relation to retaining walls is to permit the construction of a retaining wall adjacent to the rear laneway. The proposed retaining wall is necessary to address the sloping topography of the subject property and to allow for appropriate grading for parking and vehicle access to the shop doors.

Board Policy B1.5 “Development Variance Permit, Development Permit with Variance & Floodplain Application Evaluation” for the evaluation of variance applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration of a variance proposal. The proposed development and proposed variances are consistent with the CMS DPA Guidelines. Given that the applicant has provided sufficient rationale and the variance will not result in negative implications for adjacent properties, the applicant have made reasonable efforts to address Board Policy B1.5.

Intergovernmental Implications

In addition to the referrals completed as part of the zoning amendment process, this application was referred to the local fire department and MOTI. The North Cedar Fire Department provided comments in response to the zoning amendment referral which were addressed by the applicant and no further comments were received in response to the development permit referral.

This application is the result of on-going discussion and involvement with MOTI throughout the Cedar Main Street Village Planning process, the zoning amendment, and this development permit with variance application. The applicant has submitted permit applications to MOTI for access to Cedar Road, reduced setbacks, construction of the rear laneway, and works within the Cedar Road right-of-way.

The works approved within the road dedication include the construction of an asphalt curb, three on-street parking spaces, a grassed boulevard, and a 1.5 m separated gravel pathway. The proposed works are to be maintained by MOTI as part of its regular road maintenance program. The proposed development, including on-street parking, has been reviewed and accepted by MOTI and has been designed to accommodate three on-street parking stalls, which are in addition to the bylaw required parking provided on-site.

Public Consultation Implications

Pending the Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2017-069 subject to the terms and conditions outlined in Attachments 2 to 6.
2. To deny Development Permit with Variance No. PL2017-069.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal is in keeping with the 2016 – 2020 Board Strategic Plan's "Focus on Economic Health" as it would support the first new development within Cedar Main Street since the adoption of the Cedar Main Street Plan.



Greg Keller
gkeller@rdn.bc.ca
July 24, 2017

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan
4. Building Elevations
5. Proposed Signage
6. Proposed Landscaping Plan

Attachment 2
Terms and Conditions of Permit (Page 1 of 2)

The following sets out the terms and conditions of Development Permit with Variance No. PL2017-069:

Bylaw No. 500, 1987 Variances

With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from Front and Other lot lines from 4.5 m to 0.0 m to accommodate on-site parking located adjacent to Cedar Road.
2. **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from the Front and Other lot lines from 4.5 m to 2.8 m to permit the construction of a retaining wall greater than 1.0 m in height along a portion of the northeast property line.
3. **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from the Front and Other lot lines from 4.5 m to 0.45 m to permit the construction of a retaining wall greater than 1.0 m in height adjacent to the laneway.
4. **Schedule ‘3B’ – Parking Stall and Aisle Dimensions** to reduce the minimum parking stall width from 2.6 m to 2.5 m and the minimum parking stall length from 5.2 m to 4.6 m to permit the construction of three reduced sized parking stalls.

Conditions of Approval

1. Staff shall withhold the issuance of this Permit until the applicant, at the applicant’s expense, registers a Section 219 Covenant on the property title containing the Rainwater Management Plan dated January 23, 2017 and Oil/Water Separator Maintenance Recommendations dated January 6, 2017 both prepared by J.E. Anderson & Associates, and requires that the oil/water separator be maintained as per the recommended maintenance recommendations.
2. The site is developed in accordance with the Site Plan prepared by Greenplan dated July 19, 2017 and attached as Attachment 3.
3. The proposed development is in general compliance with the building elevations prepared by Greenplan dated June 5, 2017 and attached as Attachment 4.
4. The proposed signage is in general compliance with Signage Plan prepared by Anderson Greenplan and as attached as Attachment 5.
5. The subject property shall be developed in accordance with the recommendations contained in the Rainwater Management Plan prepared by J.E. Anderson & Associates dated January 23, 2017.
6. The proposed landscaping shall be provided and maintained in accordance with the Landscaping Plan prepared by prepared by Greenplan dated July 19, 2017 and attached as Attachment 6.

Attachment 2
Terms and Conditions of Permit (Page 2 of 2)

7. The applicant shall provide a landscaping security in the amount of \$5,450.00.
8. The three reduced size parking stalls shall be clearly marked “SMALL CAR ONLY” on the pavement or wall facing.
9. The property owner shall obtain the necessary permits for construction in accordance with the “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” as replaced or amended.

Attachment 3
Proposed Site Plan (Page 1 of 3)

Greenplan
 1655 Cedar Road
 Nanaimo, BC
 (250) 722-3456
 www.greenplan.ca
 info@greenplan.ca

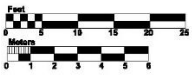
Date
JULY 19, 2017

Project
1605-KRN

Drawing #
1605-S-0718-31

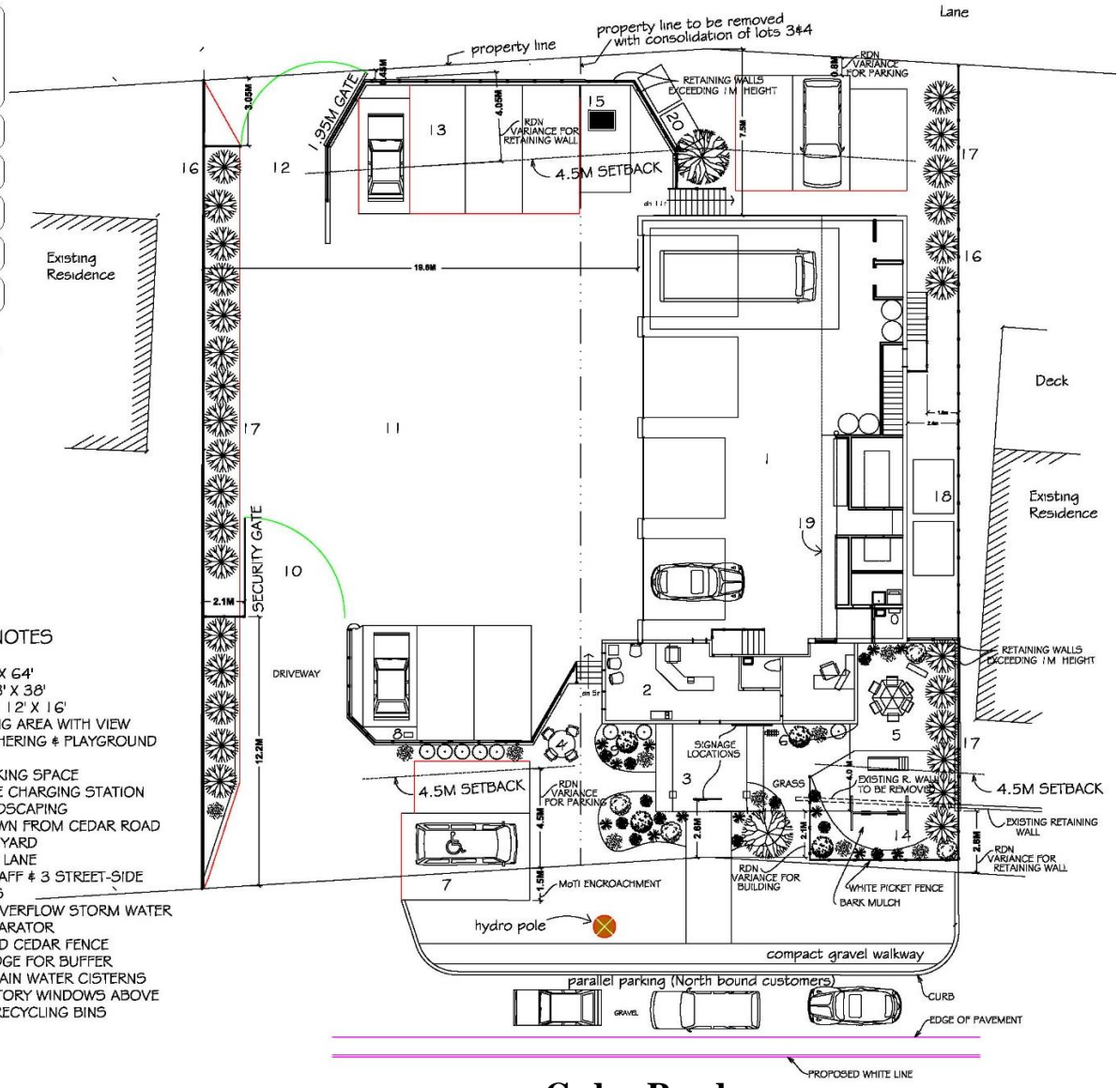
Scale
AS BAR SCALE BELOW

Sheet Title
SITE PLAN - DP & MoTI



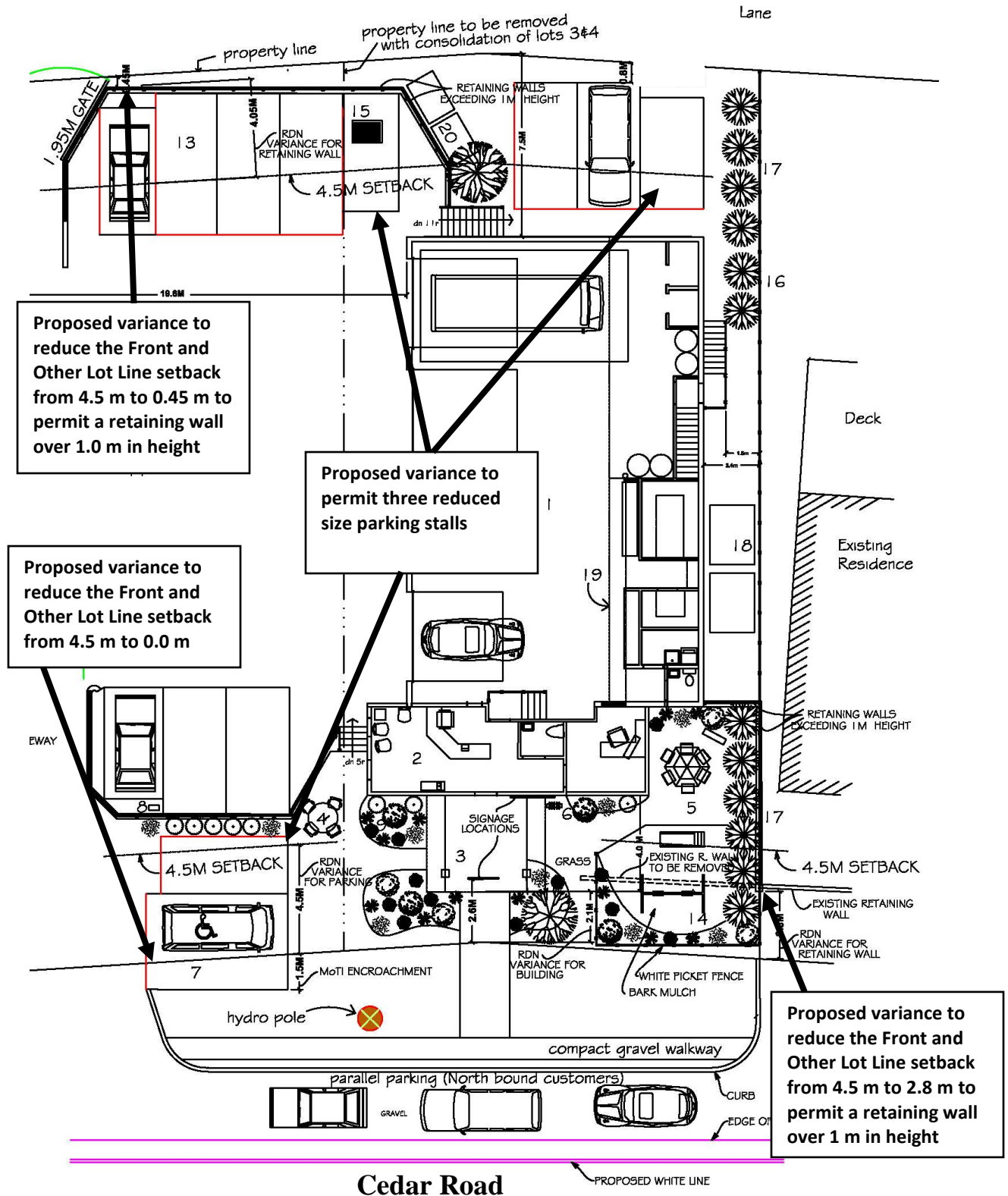
SITE PLAN NOTES

- 1 - SHOP FLOOR 40' X 64'
- 2 - OFFICE FLOOR 13' X 38'
- 3 - COVERED PORCH 12' X 16'
- 4 - OUTDOOR WAITING AREA WITH VIEW
- 5 - COMMUNITY GATHERING & PLAYGROUND
- 6 - BICYCLE RACKS
- 7 - ACCESSIBLE PARKING SPACE
- 8 - ELECTRIC VEHICLE CHARGING STATION
- 9 - FRONT YARD LANDSCAPING
- 10 - GATED RAMP DOWN FROM CEDAR ROAD
- 11 - SHOP ENTRANCE YARD
- 12 - GATED RAMP TO LANE
- 13 - 10 CLIENT, 3 STAFF & 3 STREET-SIDE PARKING SPACES
- 14 - ROCK PIT FOR OVERFLOW STORM WATER
- 15 - OIL / WATER SEPARATOR
- 16 - 2.5M HIGH SOLID CEDAR FENCE
- 17 - CEDAR TREE HEDGE FOR BUFFER
- 18 - BELOW GRADE RAIN WATER CISTERNS
- 19 - LINE OF CLEARSTORY WINDOWS ABOVE
- 20 - GARBAGE AND RECYCLING BINS

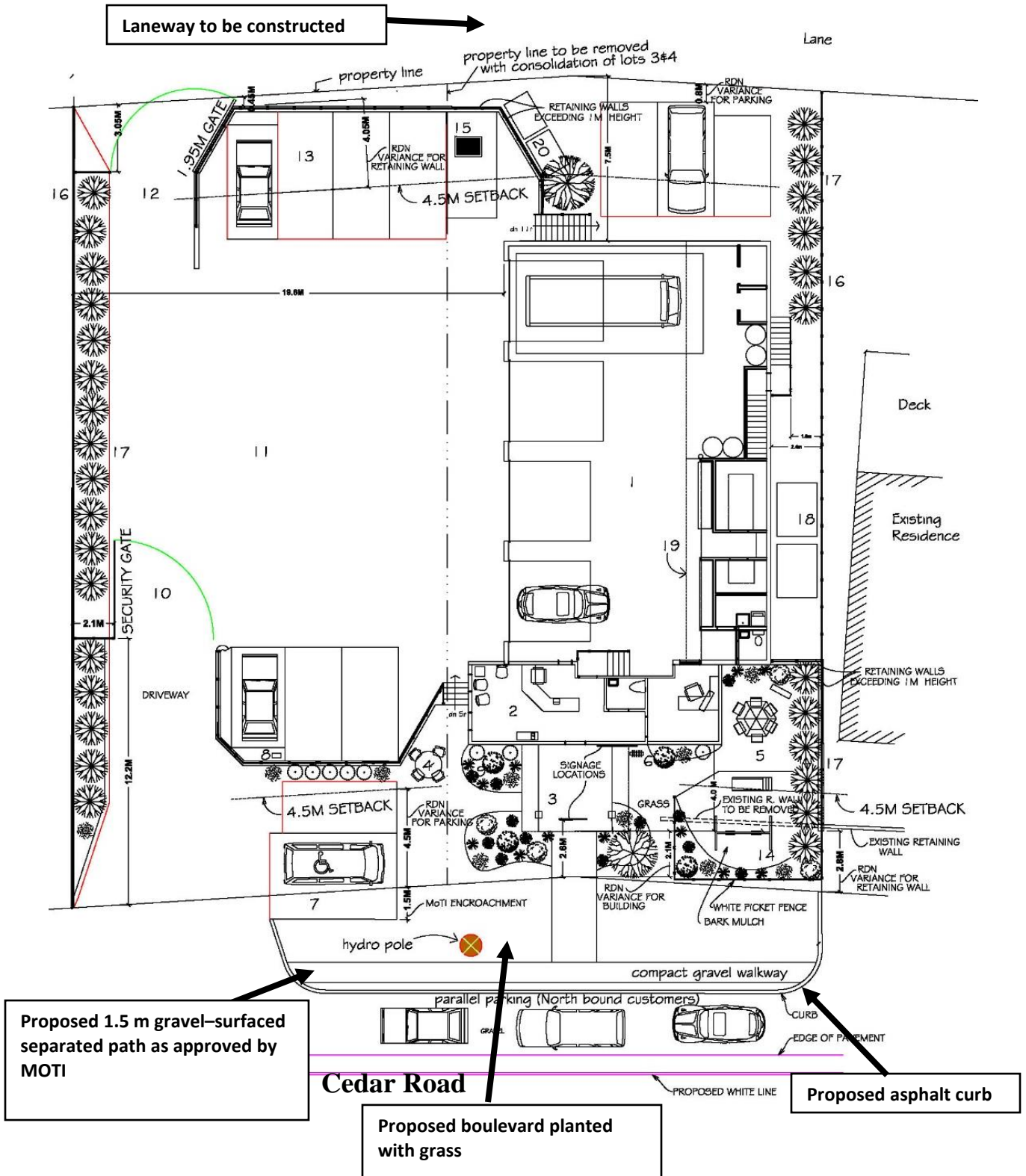


Cedar Road

Attachment 3
Proposed Site Plan and Variances (Page 2 of 3) – Enlarged for Convenience



Attachment 3
Proposed Off-Site Improvements (Page 3 of 3)
(As approved by MOTI)



Proposed Development and Variance

The proposed development includes the removal of an existing accessory building and the construction of a new dwelling unit. The applicants propose to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

1. **Section 3.4.62 – Minimum Setback Requirements** to reduce the front lot line setback from 8.0 m to 5.0 m for a portion of a deck as shown on Attachment 3.
2. **Section 3.5.64 – Maximum Number and Size of Buildings and Structures** to increase the maximum dwelling unit height from 8.0 m to 9.3 m as shown on Attachment 3.

Land Use Implications

The subject property is located in a low-lying area at least 65 m from the natural boundary of the ocean and more than 100 m east of the Little Qualicum River Estuary. Despite not being a coastal waterfront parcel or being adjacent to a watercourse, the subject property is located within the Little Qualicum River floodplain. As such, the subject property is designated within the Hazard Lands DPA.

In support of this application the applicants have submitted a survey plan prepared by Sims Associates dated July 21, 2017 (see Attachment 3), Building Elevations prepared by DNA Project Managers dated July 14, 2017 (see Attachment 4), and a Fill and Grading Plan prepared by DNA Project Managers dated July 18, 2017 (see Attachment 5).

To satisfy the DPA guidelines, the applicants have also submitted a geotechnical hazard assessment (the report) dated May 5, 2015, prepared by Lewkowich Engineering Associates Ltd. The report was prepared for lots 7-13 of Plan 11816 and designates a 2015 Flood Construction Level (FCL) of 4.2 m Geodetic (GSC). The report includes provisions for sea level rise and recommends that an additional 0.008 m be added to the recommended 2015 FCL in each year following the publication of the report until the year 2025. This recommendation provides flexibility with regard to the timing of construction in relation to the impact of sea level rise on FCL. Since it is now more than two years since the report was published, the recommended FCL has increased by 0.016 m and is rounded to 4.22 m GSC which is greater than the 3.8 m FCL required by Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006 (Floodplain Bylaw).

The report indicates that from a geotechnical perspective, the subject property is safe and suitable for the intended use and the proposed development will not result in detrimental impact on the environment, subject properties, or adjoining properties provided the recommendations of the report are followed. To ensure that the subject property is developed in accordance with the recommendations contained in the report, staff recommends that prior to the issuance of this permit, the applicant be required to register a Section 219 covenant which registers the report on title and includes a save harmless clause which protects the RDN from all losses or damages to life or property as a result of the potential hazard (see Attachment 2 – Terms and Conditions of Permit).

The applicants are proposing to construct the dwelling unit using a combination of fill and structural support in order to meet the minimum FCL of 4.22 m GSC recommended by their geotechnical engineer. Elevating the dwelling unit to the recommended minimum FCL of 4.22 m GSC results in the dwelling unit being 9.3 m in height when measured from natural grade. As such, the applicants are requesting a height variance of 1.3 m over the permitted 8.0 m maximum dwelling unit height. The applicants have

minimized the requested height variance by designing a dwelling unit with a flat roof that would comply with maximum height requirements on a parcel unencumbered by floodplain construction requirements. The dwelling unit would also meet the 8 m maximum building height if it were measured from the Floodplain Bylaw required FCL of 3.8 m GSC as proposed in “*Regional District of Nanaimo Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.410, 2017*” (Bylaw 500.410), which is currently under consideration by the Regional Board.

As part of this application, backfilling and grading of the property is proposed as shown on Attachment 4. The proposed depth of fill is greatest on the north side of the property and varies between 0.0 m and 1.8 m and is intended to match the final grade of adjacent Lot 7. The proposed fill will be fully contained on the subject property and will be graded to match existing grade on the east, west, and south sides without the use of retaining walls. In support of the proposed grading plan, the applicant has submitted a letter of support from the owner of Lot 7. It should be noted that development permit PL2016-122 was recently issued on Lot 7 to permit the construction of a dwelling unit which also required a height variance to meet the minimum FCL and the use of a substantial volume of fill.

As outlined in Attachment No. 3, the requested variance will apply only to a small portion of the setback and would allow a 9.6 m² portion of a second-storey cantilevered deck to be constructed within the minimum front lot line setback requirement. The applicant has minimized the requested variance by locating the deck on the north east corner of the proposed dwelling unit and has limited the footprint of the deck within the setback. From a design and aesthetic perspective, the applicant has chosen to design a long narrow dwelling unit which limits opportunities to move the dwelling unit west while maintaining a sizable back yard. Given the location of the deck in relation to the dwelling unit’s orientation and potential view corridors the proposed deck is not anticipated to have any impacts on views from adjacent properties.

Board Policy B1.5 “Development Variance Permit, Development Permit with Variance & Floodplain Application Evaluation” for the evaluation of variance applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration of a variance proposal. Given that the applicant has provided sufficient rationale and the variances will not result in negative view implications for adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines.

Public Consultation Implications

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2017-073 subject to the terms and conditions outlined in Attachments 2 to 5.
2. To deny Development Permit with Variance No. PL2017-073.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the Strategic Plan's "Focus on Environment" supports preparing for and mitigating the impact of environmental events. The DPA guideline requirement for a geotechnical engineering assessment helps to protect the proposed development against the impact of climate impacts and environmental events.



Greg Keller
gkeller@rdn.bc.ca
July 24, 2017

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Building Elevations
5. Fill and Grading Plan

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2017-073:

Bylaw No. 500, 1987 Variances

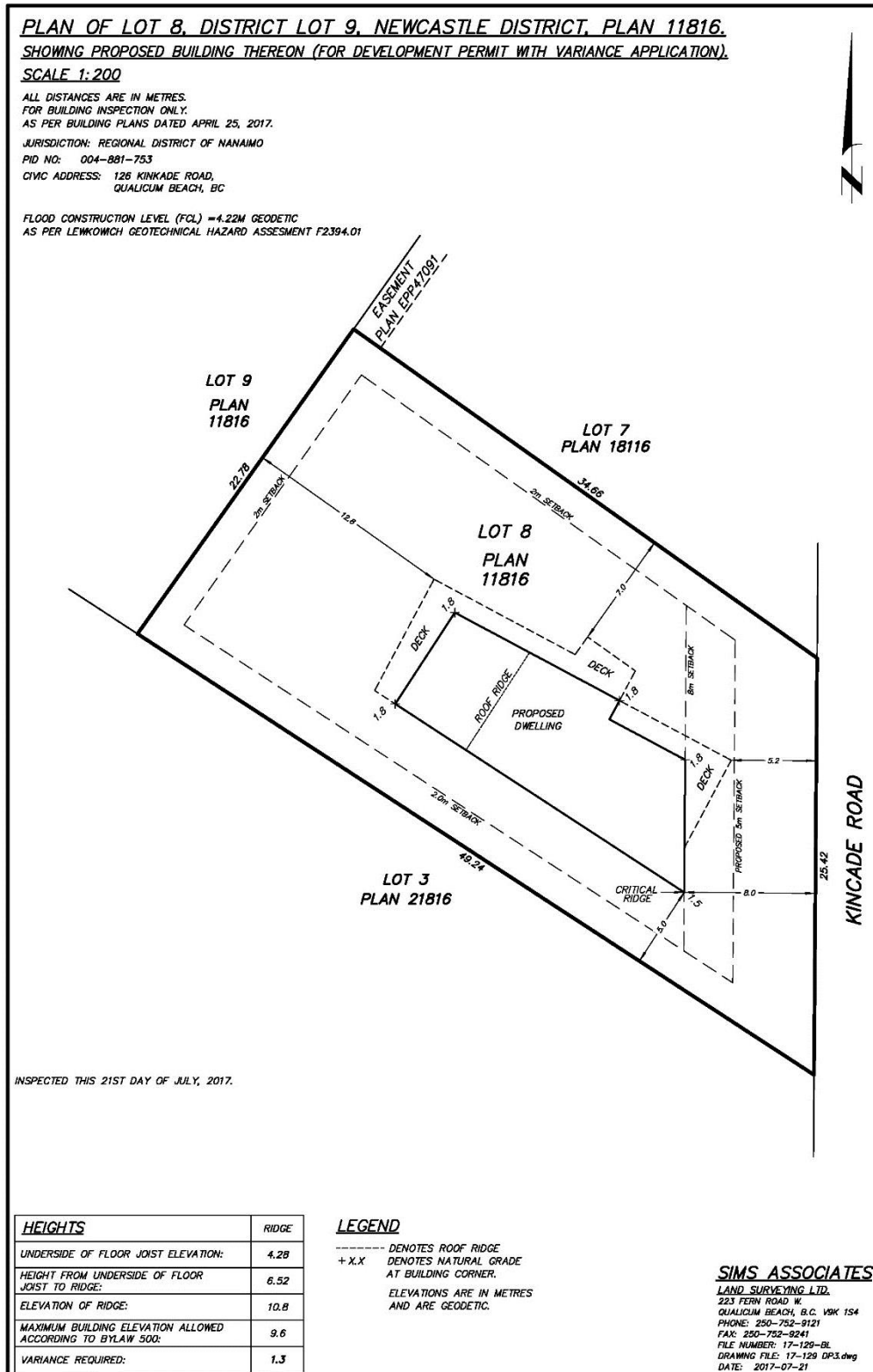
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.62 – Minimum Setback Requirements** to reduce the front lot line setback from 8.0 m to 5.0 m for a portion of a deck as shown on Attachment 3.
2. **Section 3.5.64 – Maximum Number and Size of Buildings and Structures** to increase the maximum dwelling unit height from 8.0 m to 9.3 m on Attachment 3.

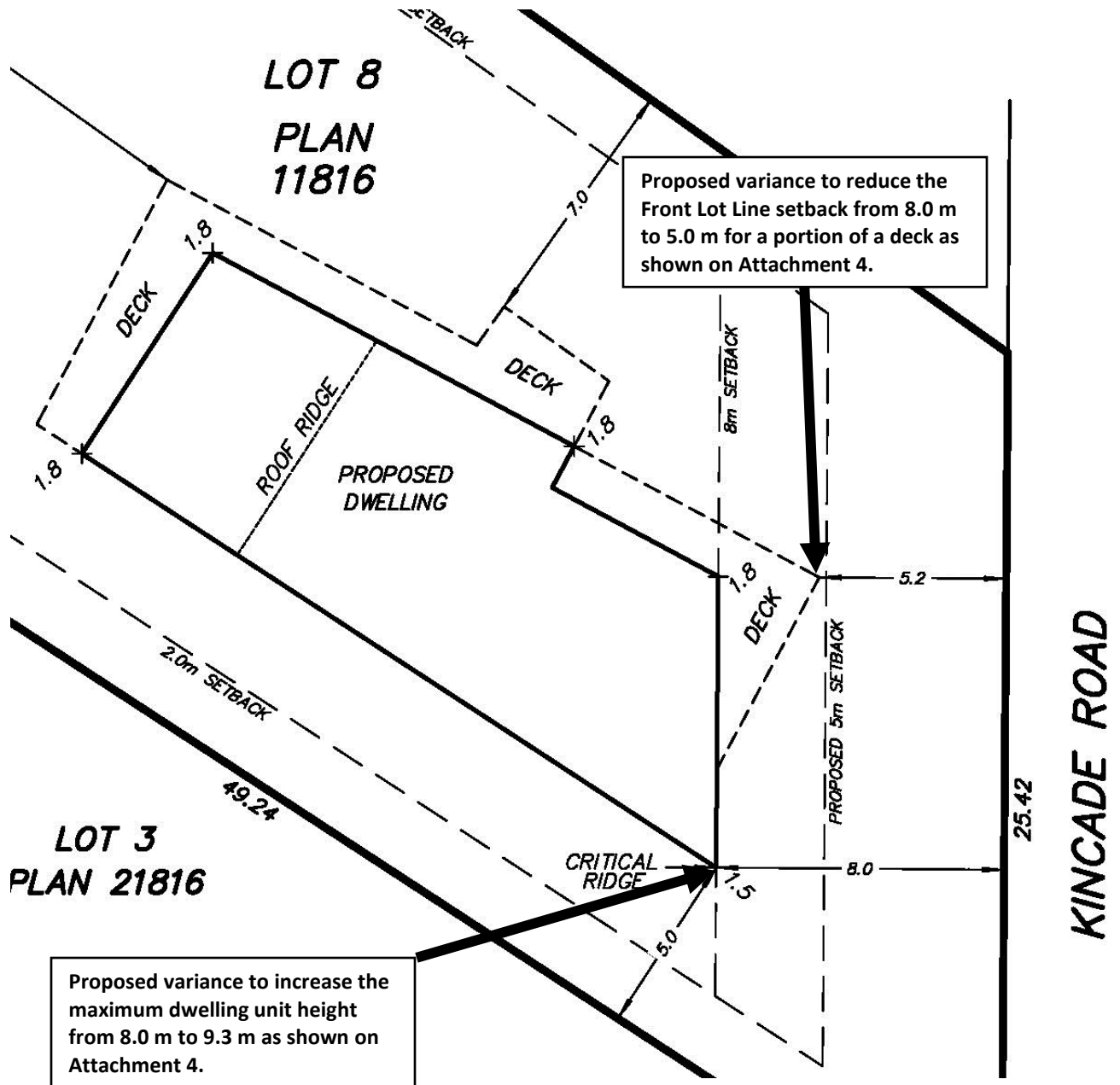
Conditions of Approval

1. Staff shall withhold the issuance of this Permit until the applicant, at the applicant’s expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment dated May 5, 2015, prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
2. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd, dated May 5, 2015.
3. The site is developed in accordance with the Survey Plan prepared by Sims Associates dated July 21, 2017 and attached as Attachment 3.
4. The proposed development is in general compliance with the plans and elevations prepared by DNA Project Managers dated July 14, 2017 and attached as Attachment 4.
5. The proposed development is in general compliance with the Fill and Grading Plan prepared by DNA Project Managers dated July 18, 2017 and attached as Attachment 5.
6. The property owner shall obtain the necessary permits for construction in accordance with the “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” as replaced or amended.

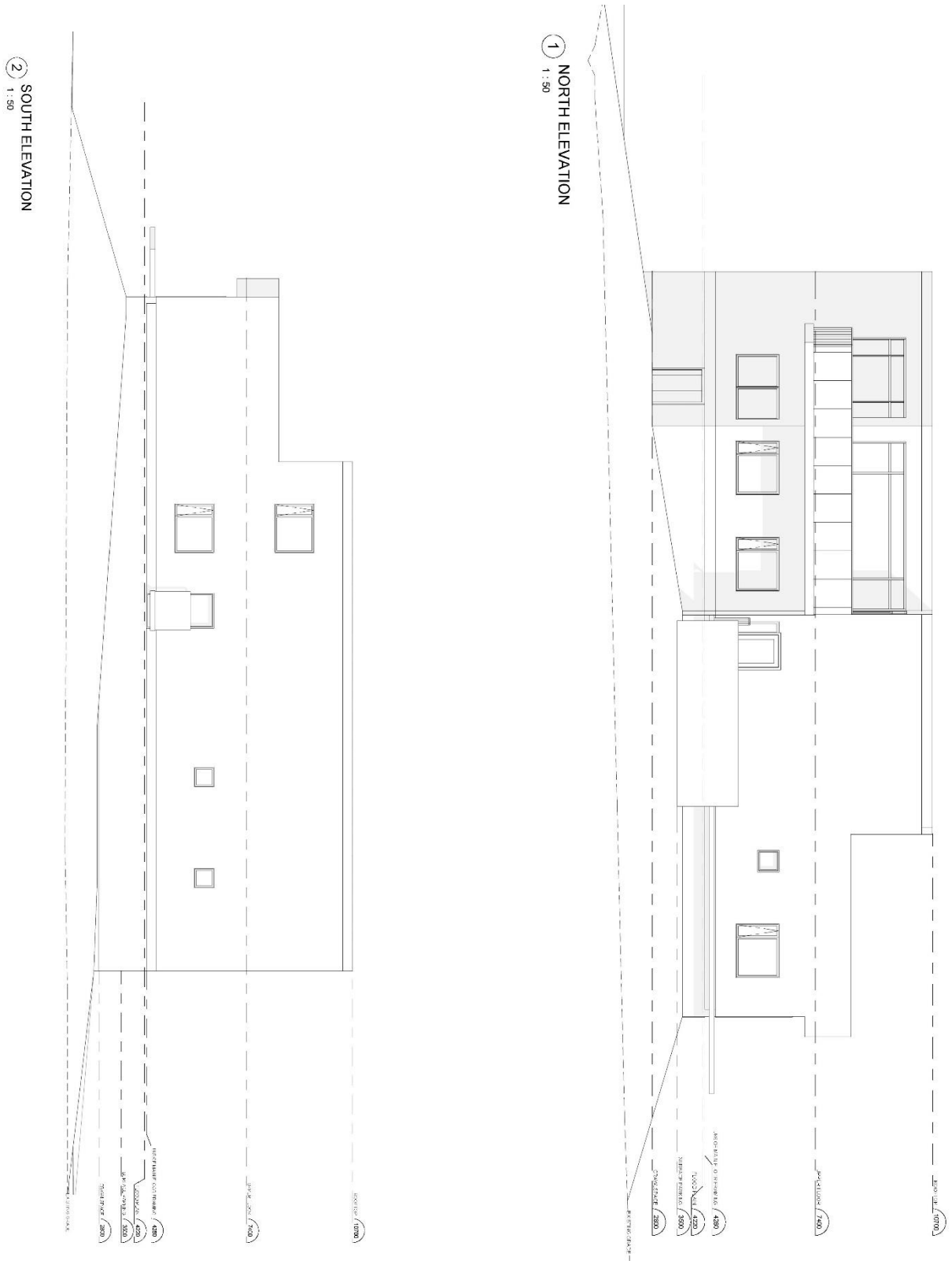
Attachment 3
Proposed Site Plan and Variances (page 1 of 2)



Attachment 3
Proposed Site Plan and Variances (page 2 of 2) – Enlarged for Convenience

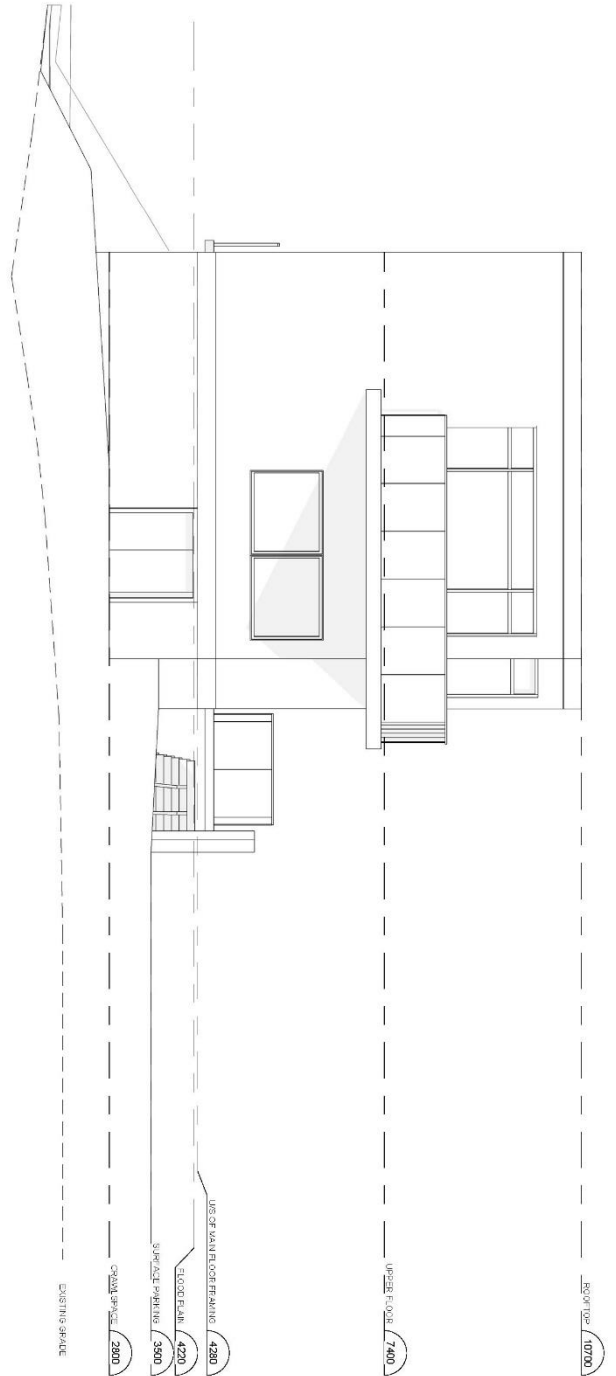


Attachment 4
Building Elevations (page 1 of 2)

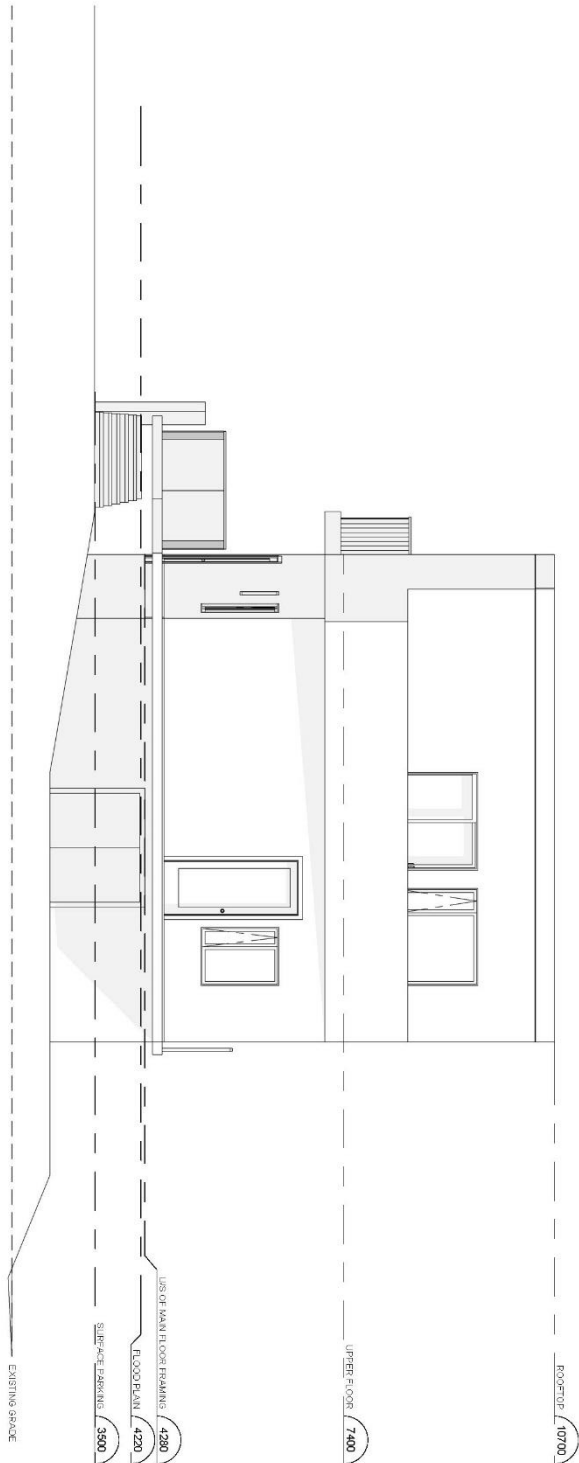


Attachment 4
Building Elevations (page 2 of 2)

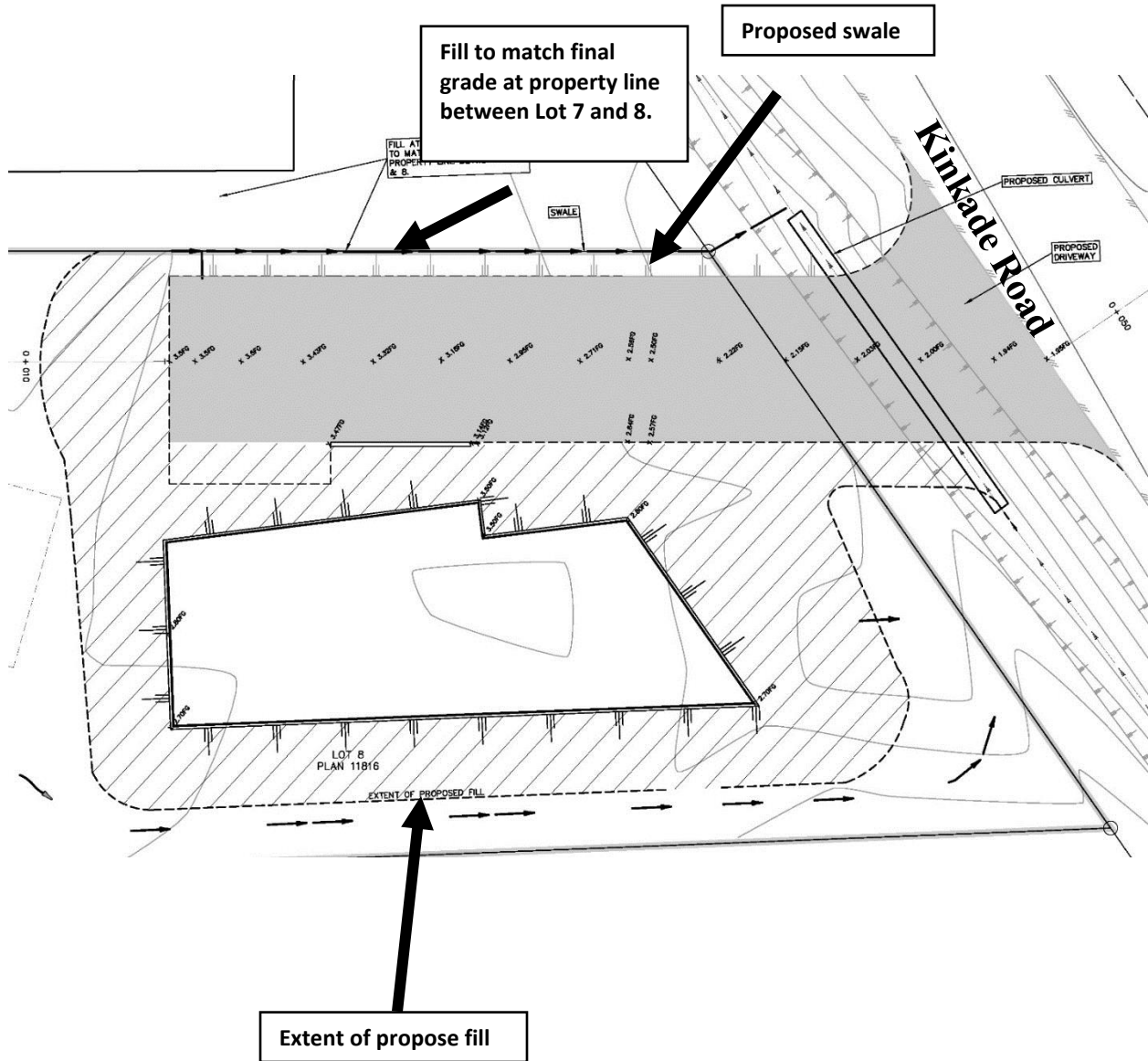
1 EAST ELEVATION
 1 : 50



2 WEST ELEVATION
 1 : 50



Attachment 5
Fill and Grading Plan – Enlarged for Convenience



TO: Electoral Area Services Committee **MEETING:** August 22, 2017

FROM: Greg Keller
Senior Planner **FILE:** PL2017-096

**SUBJECT: Development Variance Permit Application No. PL2017-096
1856 Cedar Road – Electoral Area ‘A’
Park, Section 14, Range 1, Cedar District, Plan VIP59634**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2017-096 to reduce the minimum required front and other lot line setback requirements to recognize an existing kiosk structure, subject to the conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-069.

SUMMARY

This is an application to recognize the siting of a timber-frame seating shelter and interpretive kiosk structure located at the entrance to the Morden Colliery Regional Trail that is intended to resemble the historic concrete tipple at the Morden Colliery Provincial Park. Development Variance Permit PL2016-098 was previously approved to reduce the minimum front and other setback requirements. A survey following construction confirmed that the structure is located closer to the property lines than permitted through Development Variance Permit application PL2016-098.

Given that no negative impacts are anticipated as a result of the proposed variance, staff recommends that the Board approve the variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Lesya Fesiak on behalf of the Regional District of Nanaimo Recreation and Parks department to recognize the siting of an existing timber-frame seating shelter and interpretive kiosk structure that is intended to resemble the historic concrete tipple at the Morden Colliery Provincial Park and provide a focal point in the community. The subject property is zoned Commercial 2 Zone (CM2), Subdivision District ‘M’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The subject property is the entrance to the Morden Colliery Regional Trail located between the 49th Parallel Plaza and the

Wheatsheaf Pub on the east side of Cedar Road (see Attachment 1 – Subject Property Map). The property is currently developed with two community kiosk structures, a portion of the Morden Colliery Regional Trail, a paved plaza, and other park improvements.

Development Variance Permit PL2016-098 was recently approved to permit the construction of two community kiosk structures. Two variances were approved in relation to structure B including a reduced minimum front lot line setback from 8.0 m to 5.0 m and a reduced other lot line setback from 5.0 m to 3.5 m. Following the issuance of Development Variance Permit PL2016-098, a building permit was issued and construction of the community kiosk structures was commenced. A footing layout inspection was conducted on December 2nd, 2017 and approved subject to a survey being provided at the next required inspection. Based on the type of structure being constructed, the next required inspection was for final approval. When the structures were complete, a survey was submitted to the RDN Building Inspections Department to confirm compliance with the approved variances. The survey confirmed that the tipple structure was located closer to the front and other lot line than approved by PL2016-098. This error was likely caused by a measurement error on the part of the general contractor when locating the footing forms in relation to the lot lines. As a result of this discrepancy, a new development variance permit is required.

Proposed Development and Variance

The proposal is to recognize the siting of structure B, an existing timber-frame kiosk structure which resembles a mining tipple (see Attachments 3 and 4) and is located at the entrance to the Morden Colliery Regional Trail.

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 4.5 metres for structure B.
- **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum setback from other lot lines from 5.0 metres to 3.2 metres for proposed structure B.

Land Use Implications

In support of this application, the applicant has provided a survey prepared by Williamson and Associates dated June 13, 2017 as well as elevation drawings.

Structure B is located entirely within the land that is designated as park in Plan VIP59634. This structure requires a variance to the minimum setback requirements that apply to the front lot line and all other lot lines. This structure is also located within the minimum 4.5 metre setback from a public road. Staff have confirmed that the Ministry of Transportation and Infrastructure has no issue with the structure and has confirmed acceptance of the discrepancy between the pre-construction design and the as-built survey plan.

Board Policy B1.5 for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. In this case the proposed variances are required to address a discrepancy between the location approved

by DVP PL2016-098 and the final location surveyed at completion. In addition, there are a number of site constraints including a narrow parcel, the location of the existing entrance to the Morden Colliery Regional Trail, an existing paved plaza, and an existing rock retaining wall. As a result of these site constraints, an alternate placement of the proposed kiosks to meet the required setbacks is impractical.

Given that the applicant has provided sufficient rationale and the variance will not result in negative view implications for adjacent properties, the applicant has made reasonable efforts to address Policy B1.5 guidelines.

Public Consultation Implications

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2017-096 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2017-096.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal helps support eco-tourism which is in keeping with the RDN strategic priority related to economic health contained in the 2016 – 2020 Board Strategic Plan.



Greg Keller
gkeller@rdn.bc.ca
July 13, 2017

Reviewed by:

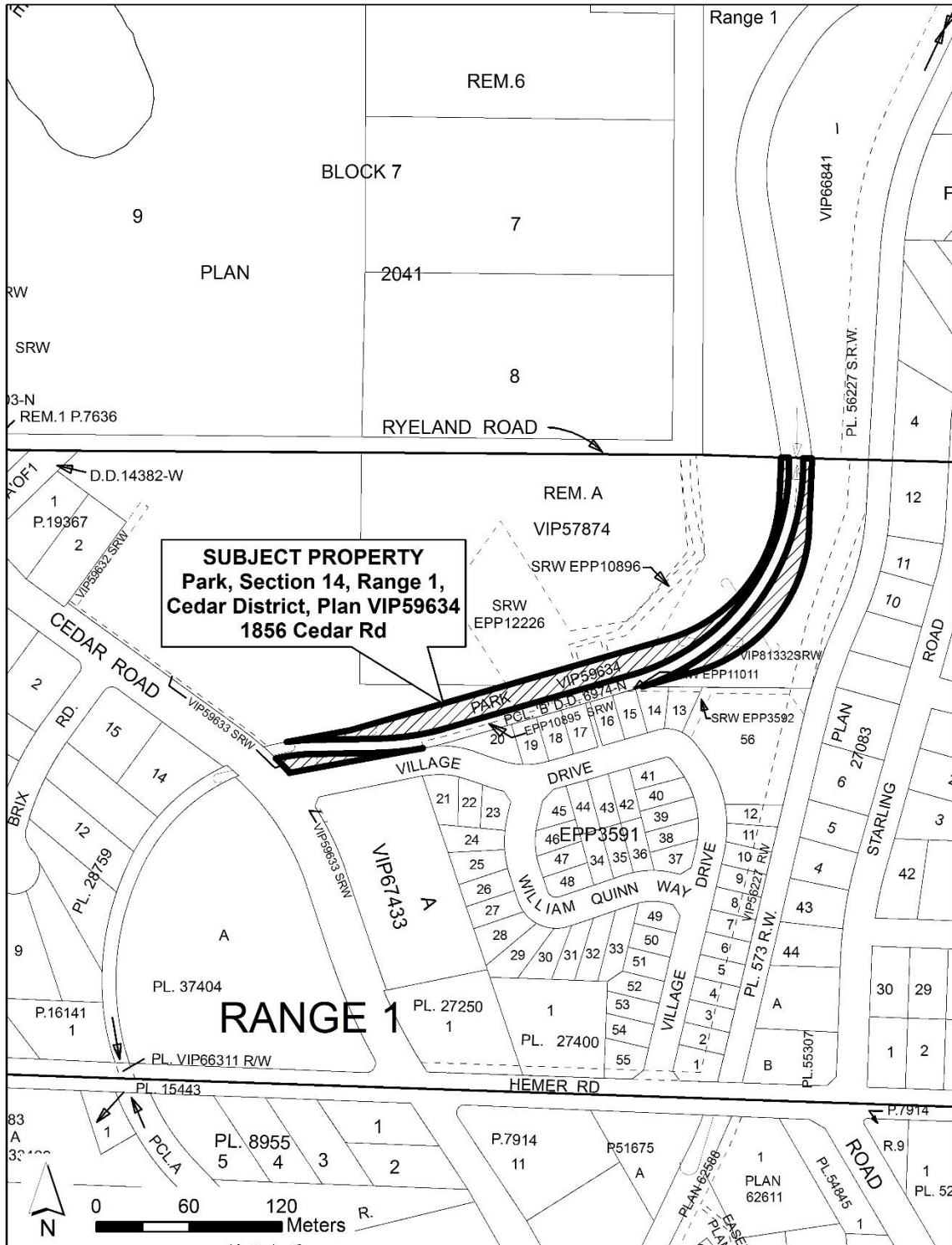
- J. Holm, Manager, Current Planning

- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Structure Elevations

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2017-096:

Bylaw No. 500, 1987 Variances

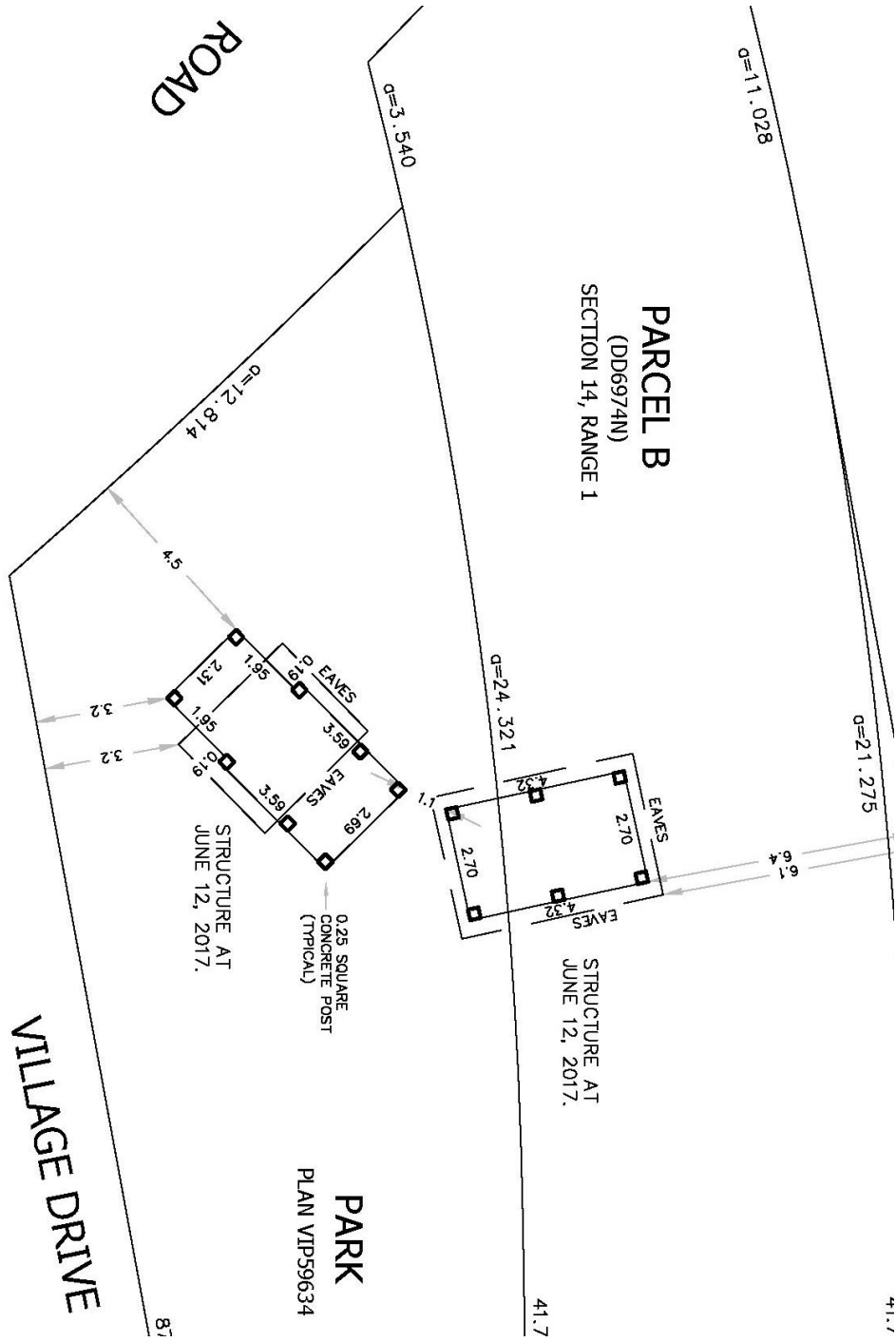
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 4.5 metres for proposed structure B.
2. **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum setback from other lot lines from 5.0 metres to 3.2 metres for proposed structure B.

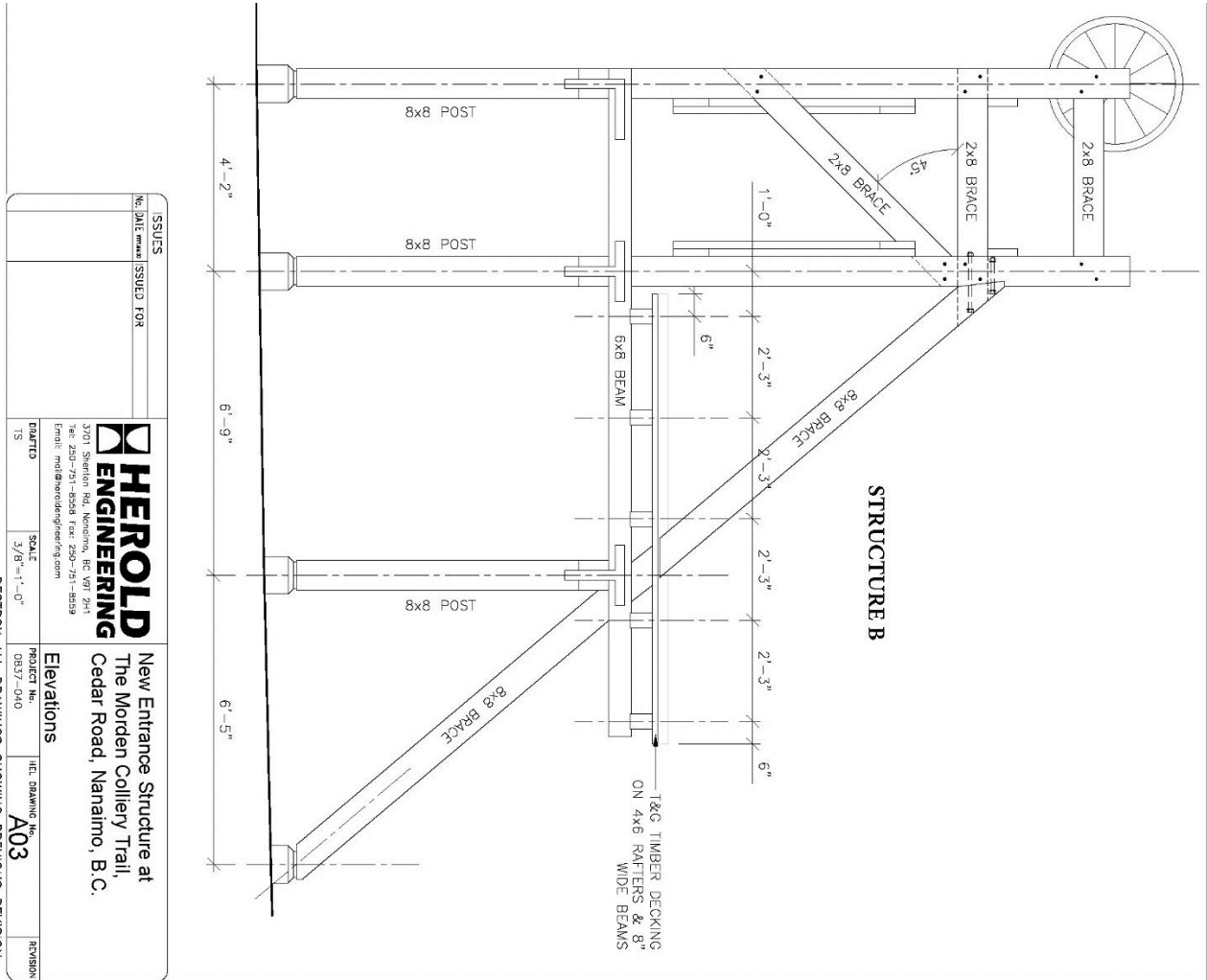
Conditions of Approval:

1. The site is developed in accordance with the Survey Plan prepared by Williamson and Associates dated June 13, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations attached as Attachment 3.
3. The proposed development is in general compliance with elevation drawings attached as Attachment 4.

Attachment 3
Proposed Site Plan and Variances - Enlarged for Convenience (Page 2 of 2)

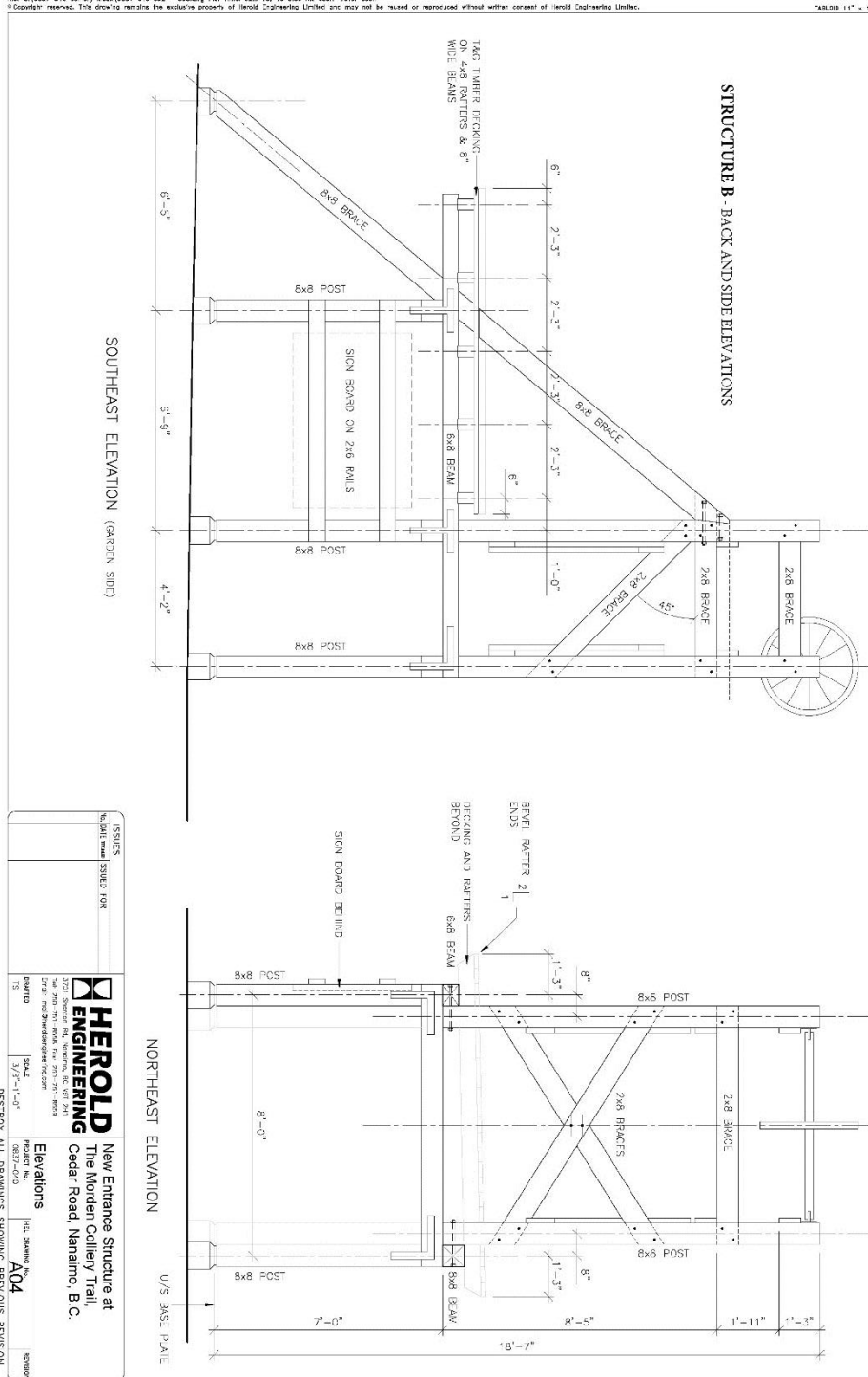


Attachment 4
Structure Elevations (page 1 of 2)



ISSUES		NO. DATE REVISION ISSUED FOR	
<p>HEROLD ENGINEERING 3701 Stearns Rd, Nanaimo, BC V8T 2H1 Tel: 250-751-8888 Fax: 250-751-8839 Email: mh@heroldengineering.com</p>		New Entrance Structure at The Morden Colliery Trail, Cedar Road, Nanaimo, B.C.	
DATE	SCALE	PROJECT NO.	HEL DRAWING NO.
15	3/8" = 1'-0"	0837-040	A03
DESTROY ALL DRAWINGS SHOWING PREVIOUS REVISION			

Attachment 4
Structure Elevations (page 2 of 2)



TO: Electoral Area Services Committee **MEETING:** August 22, 2017

FROM: Angela Buick
Planner **FILE:** PL2017-078

SUBJECT: **Development Permit Application No. PL2017-078 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2016-130**
300 Dan’s Road and Myles Lake Road – Electoral Area ‘C’
Lot 1, Section 7, Range 3 Cranberry District Plan VIP79020; and
Lot C, Section 7, Range 3 Cranberry District Plan EPP36446

RECOMMENDATIONS

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed lot A in relation to Subdivision Application No. PL2016-130.
2. That the Board approve Development Permit No. PL2017-078 to permit a lot line adjustment subdivision, subject to the terms and conditions outlined in Attachments 2 and 3.

SUMMARY

The applicant has requested a relaxation of the minimum 10% perimeter frontage requirement and approval for a Fish Habitat Development Permit Area for a proposed lot line adjustment subdivision. The Development Permit guidelines have been met and no negative impacts are anticipated as a result of the proposed development. As such, staff recommends that the Board approve the proposed development permit and frontage relaxation subject to the conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Ryan Turner of Ryan Turner Land Surveying on behalf of Jeffery and Audrie Addison and Linda and George Addison to relax the minimum 10% perimeter frontage requirement for proposed Lot A in relation to a lot line adjustment subdivision (Application No. PL2016-130). Pursuant to Bylaw 500, the subject property at Lot 1 Dan’s Road is zoned Rural 6 (RU6), while the subject property at Lot C Myles Lake Road is zoned Rural 9 (RU9). The subject properties are located to the north of Blind Lake in an area of rural residential and agricultural properties (see Attachment 1 – Subject Property Map).

Lot 1 on Dan’s Road contains a house and two accessory buildings whereas Lot C on Myles Lake Road is vacant land. Both lots are currently being serviced by individual private water wells and on-site septic disposal systems.

The proposed development is subject to the Fish Habitat Development Permit Area per the “Electoral Area ‘C’ Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No.1148, 1999”.

Proposed Development

The applicant is proposing a lot line adjustment between the two subject properties (see Attachment 3 – proposed Plan of Subdivision). The proposed lot line adjustment will result in lots which meet the requirements of Bylaw 500 and retain adequate site area to support permitted uses.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot A (currently Lot 1) will not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act* (see Attachment 3 – Proposed Plan of Subdivision). The applicant has requested Board approval to relax the required frontage of proposed Lot A as follows:

Required Frontage (m)	Proposed Frontage (m)	Proposed % of Perimeter (Proposed Lot A)
69.02	59.69	8.6

Land Use Implications

The applicant proposes a lot line adjustment between two existing parcels adjacent to Blind Lake in Electoral Area ‘C’. Proposed Lot A is situated between an adjacent parcel to the east and Blind Lake to the west. As such, the applicants cannot provide additional frontage and are constrained within the existing road frontage. The proposed boundary adjustment subdivision complies with the evaluation criteria of “Board Policy B1.4 Frontage Requirements for Rural Lots” and is not anticipated to have any negative impacts on the surrounding lands.

Proposed Lot A will become a split zoned lot (RU9 and RU6) as a result of the boundary adjustment subdivision. Bylaw 500 deems portions of land divided by zone boundary to be separate parcels for the purposes of determining uses permitted within each zone. As such, it is recommended that the applicant be required to register a Section 219 covenant to restrict the residential density of proposed Lot A to two dwelling units only. This restriction reflects permitted density if the entire parcel were to retain its current RU9 zoning and ensures the split zoning does not result in land uses that are incompatible with the OCP designation for the lands.

Environmental Implications

The applicant has provided an RAR Assessment Report dated April 27, 2017 by Aquaparian Environmental Consulting Ltd. to address the Fish Habitat DPA guidelines. The report concludes that there no measures to protect the Streamside Protection and Enhancement Area and the subdivision will not negatively impact fish habitat.

Intergovernmental Implications

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the application and has issued a Preliminary Layout Approval for the proposed subdivision. Ministry staff have confirmed that they have no concerns with the proposed frontage relaxation.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot A as shown on Attachment 3.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development in relation to the 2016 – 2020 Board Strategic Plan and note that the proposal will be consistent with guidelines in the strategic priority to ‘focus on the environment’ through ensuring environmental values are addressed through the Fish Habitat DPA requirements.



Angela Buick
Abuick@rdn.bc.ca
July 21, 2017

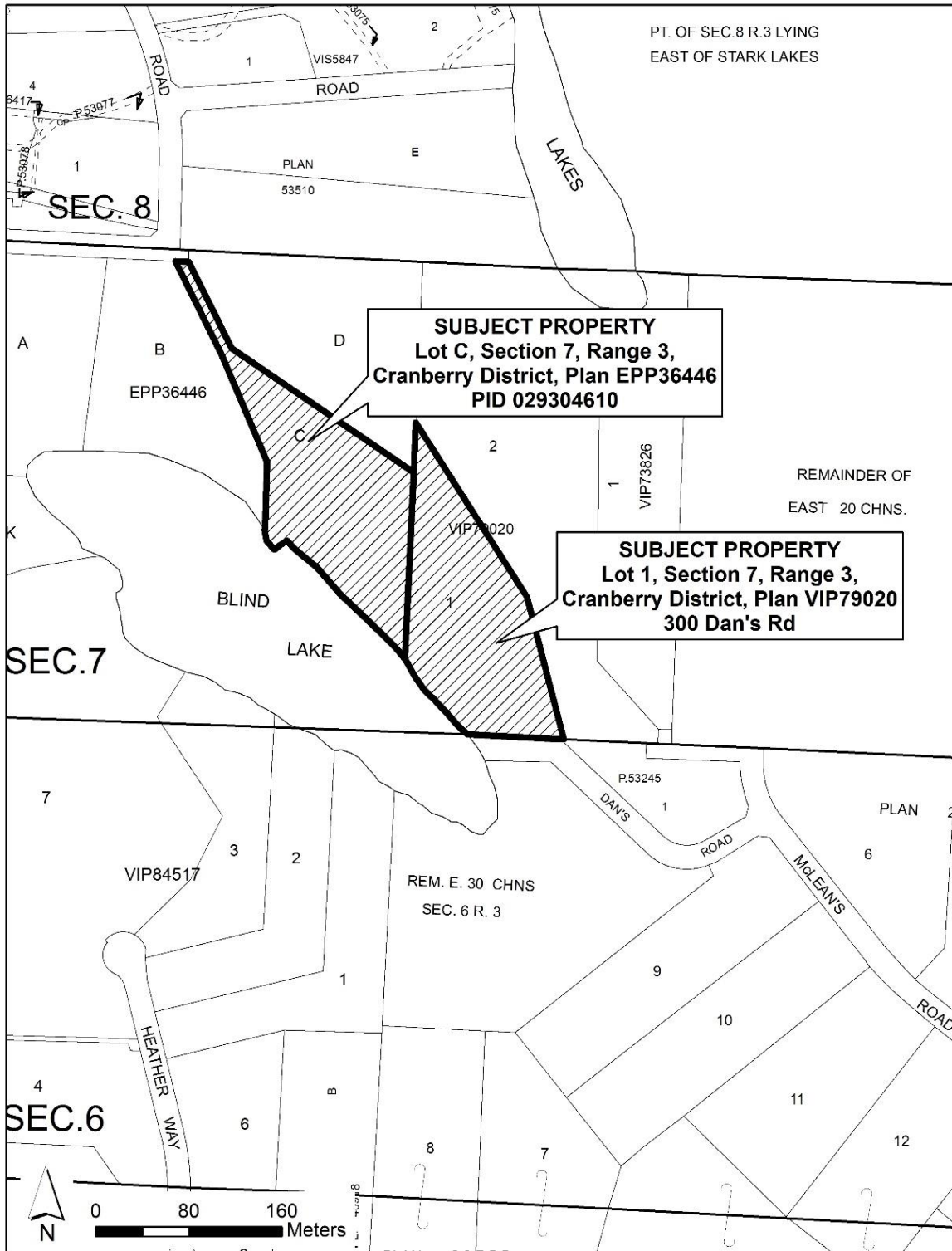
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Permit
3. Proposed Plan of Subdivision

Attachment 1
Subject Property Map



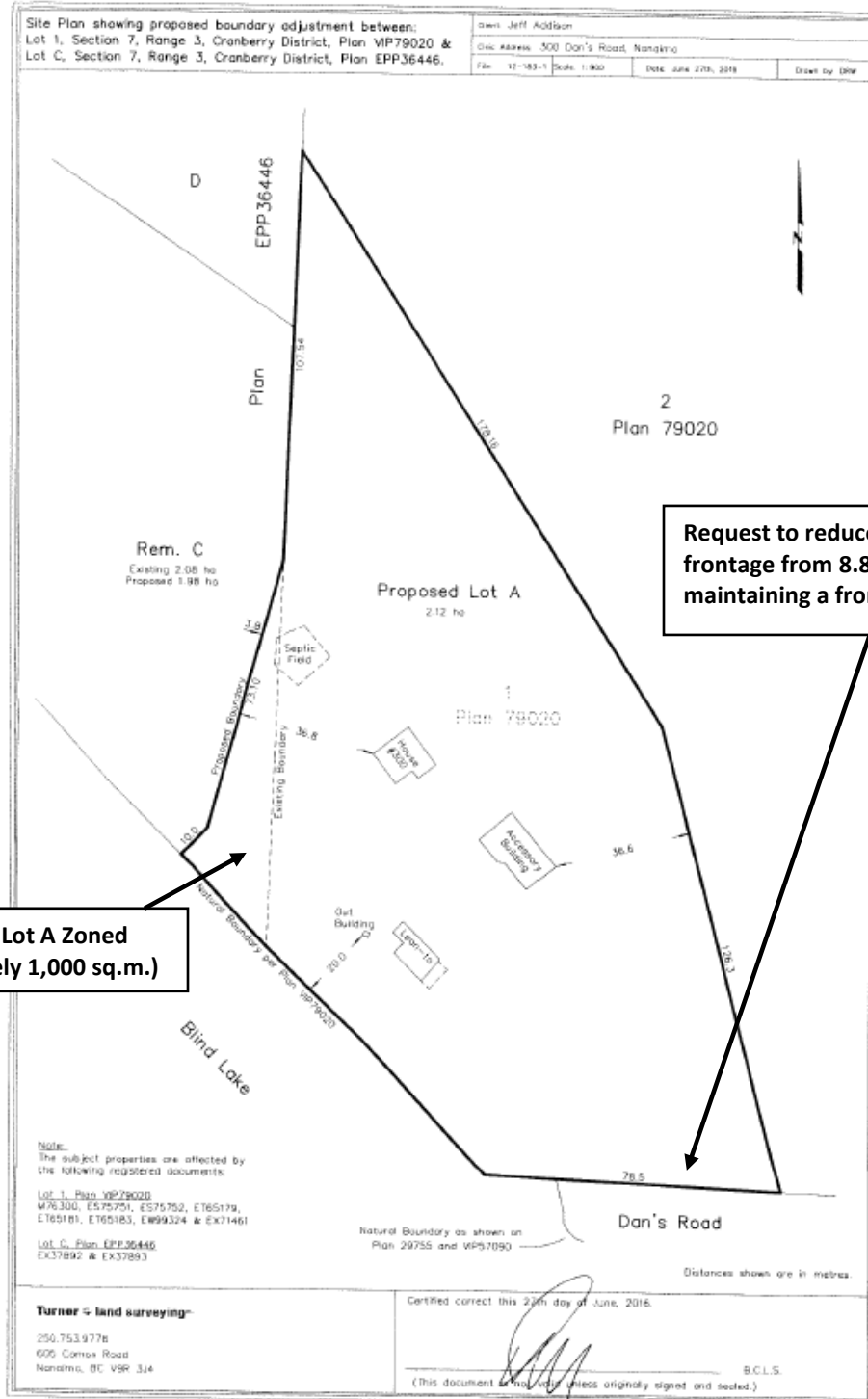
Attachment 2
Conditions of Permit

The following sets out the conditions of Development Permit No. PL2017-078:

Conditions of Approval

1. The subdivision of lands shall be in substantial compliance with the Plan of Subdivision prepared by Ryan Turner of Turner Land Surveying dated June 26, 2016 and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Riparian Area Regulation: Assessment Report dated April 27, 2017 by Aquaparian Environmental Consulting Ltd.
3. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title of proposed Lot A, restricting the number of dwelling units to two.

Attachment 3
Proposed Plan of Subdivision



**Request to reduce the minimum required
 frontage from 8.8% to 8.6 % and
 maintaining a frontage of 59.69 m**

**Portion Proposed Lot A Zoned
 RU6 (approximately 1,000 sq.m.)**